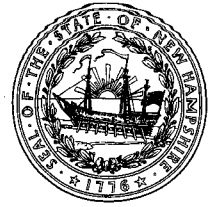




The State of New Hampshire
Department of Environmental Services



Michael P. Nolin
Commissioner

January 18, 2006

LETTER OF DEFICIENCY# WSEB 06-005
Certified Mail# 7099 3400 0003 6156 7181

Harold Guay
Mayo Nine, LLC
90 Powers Street
Milford, NH 03055

Subject: Amherst - Public Water System: Amherst Plaza (EPA# 0078100)

Dear Mr. Guay:

The records of the Department of Environmental Services (DES) show that the Amherst Plaza water system is classified as a public water system (PWS), as defined by RSA 485:1-a. A PWS is defined as any water system supplying 15 or more services, or 25 or more people, for 60 or more days per year. As such, the water system owner is required to submit samples to the NH State laboratory or a State-certified laboratory for coliform bacteria and chemical analyses in compliance with NH Administrative Rules Env-Ws 325 and 326. Pursuant to Env-Ws 351, a PWS owner is also required to perform public notice of a monitoring/reporting violation within 30 days of learning of the violation and to submit proof of public notice to DES within 10 days of performing the public notice.

DES records indicate that the subject water system failed to submit bacteria sample results during the system's assigned bacteria sampling months of June 2005, September 2005, and December 2005. As a result, a Notice of Violation (NOV) was sent to you following the June 2005 and September 2005 bacteria monitoring violations. (This Letter of Deficiency shall serve as the formal NOV for the December 2005 bacteria monitoring violation.) Each NOV requested that a make-up bacteria sample be submitted immediately and requested that proof of public notice of the monitoring violation be sent to DES. To date, DES has not received the results of any make-up bacteria sample analyses. DES received proof of public notice for the June 2005 bacteria monitoring violation, but not the September 2005 bacteria monitoring violation.

In addition, the Amherst Plaza water system was required to submit a nitrate sample result during the fourth quarter of 2005 (October through December). DES has not received the result of the nitrate sample. Therefore, this Letter of Deficiency shall also serve as the formal NOV for the chemical monitoring violation.

DES believes the above cited violations can be corrected and future violations prevented by taking the following actions:

1. **By January 31, 2006**, submit a make-up water sample for bacteria analysis to the State laboratory, or a State-certified laboratory, in accordance with Env-Ws 325; and

2. **By January 31, 2006**, submit a make-up water sample for nitrate analysis to the State laboratory, or a State-certified laboratory, in accordance with Env-Ws 326; and
3. **By January 31, 2006**, submit proof of public notice for the September 2005 and December 2005 bacteria monitoring violations, in accordance with the instructions on the enclosed bacteria public notice template; and
4. **By January 31, 2006**, submit proof of public notice for the fourth quarter 2005 chemical monitoring violation, in accordance with the instructions on the enclosed chemical public notice template.

The proof of public notice, as requested above, should be addressed as follows:

Alan Leach
Department of Environmental Services
Water Supply Engineering Bureau
29 Hazen Drive, P.O. Box 95
Concord, NH 03302-0095

In the event compliance is not achieved within the period set forth above, DES may initiate formal action, including issuing an order requiring the deficiencies be corrected, initiating an administrative fine proceeding, and/or referring the matter to the NH Department of Justice for imposition of appropriate penalties.

Please be advised that the submission of the requested make-up bacteria and nitrate samples does not relieve the water system from submitting all required 2006 water quality samples. To assist you in meeting sampling requirements, a copy of the system's Master Sampling Schedule is enclosed.

If you have any questions regarding this letter, please contact Alan Leach at (603) 271-2854 or by email at aleach@des.state.nh.us.

Sincerely,

 **COPY**

Sarah Pillsbury, P.G., Administrator
Water Supply Engineering Bureau

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encl: Master Sampling Schedule
Public Notice Templates

cc w/o encl: Gretchen R. Hamel, DES Legal Unit Administrator
Town of Amherst Health Officer
EPA, Region 1